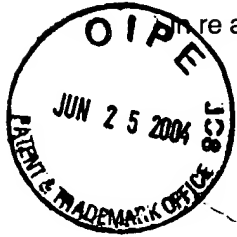


TRANSMITTAL LETTER

16548

Docket: 16952 CON1DIV8DIV5
D-2851 CON1DIV8DIV5

In re application of: AOKI et al.

Serial No.: 09/904,057

Group Art Unit: 1654

Filed: July 11, 2001

Examiner: AUDET, M.A.

For: METHOD FOR TREATING MUSCLE SPASM WITH BOTULINUM TOXIN TYPE B

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a response to the December 24, 2003 Office Action and petition for three-month extension of time in the above-identified application.

[] No additional fee is required.

The filing fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	1	MINUS	11	0
INDEP.	1	MINUS	4	0
[] First Presentation of Multiple Dep. Claim				

SMALL ENTITY			OTHER THAN SMALL ENTITY	
RATE	ADDIT. FEE	or	RATE	ADDIT. FEE
x 9	-		x 18	-0-
x 43	-		x 86	-0-
+145	-	or	+290	-0-
Total Addit. Fee			Total Addit. Fee	0

[] Please charge my Deposit Account No. _____ the amount of \$ _____. A duplicate copy of this sheet is attached.

[] A check in the amount of \$ _____ is attached hereto.

[x] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 01-0885.

[X] Extension of time fee in the amount of \$ 950.00.

[x] Any additional filing fees required under 37 CFR 1.16.

[x] Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Frank J. Uxa
Attorney for Applicant
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Irvine, CA 92618
(949)450-1750

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/904,057 Confirmation No. : 3069
Applicant : AOKI et al.
Filed : July 11, 2001
Title : METHOD FOR TREATING MUSCLE SPASM WITH BOTULINUM
TOXIN TYPE B

TC/A.U. : 1600/1654
Examiner : AUDET, M.A.

Docket No. : 16952 CON1DIV8DIV5; D2851 CON1DIV8DIV5
Customer No. : 33197

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail with sufficient postage in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: **June 22, 2004**

Mail Stop AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

[Signature]
6/22/04

RESPONSE TO DECEMBER 24, 2003 OFFICE ACTION AND
PETITION FOR THREE MONTH EXTENSION OF TIME

Sir:

This response is being submitted in reply to the Office Action of December 24, 2003. A response was due March 24, 2004. Applicant hereby petitions for a three-month extension of time. A response with a three-month extension of time is due June 24, 2004. The Commissioner is hereby authorized to charge the extension of time fee (\$950.00) to Deposit Account No. 01-0885. Accordingly, this response is being timely filed. In response to the Office Action, please consider the following remarks:

Remarks/Arguments begin on page 2 of this paper.